

Date: 4 March 2003

The Docket Management System  
FAA Docket Number FAA-2002-14081  
US Department of Transportation  
Room Plaza 401  
400 Seventh Street, SW,  
Washington, DC 20590-0001

To Whomsoever it may concern,

Subject: British Airways comments on Docket FAA-2002-14081

British Airways welcomes the opportunity to comment on the above referenced proposed rule for continuous transponder operation and would like to make the following comments:

British Airways would be strongly opposed to extending the FAA NPRM on Transponder Continuous Operation to Part 129 operators for the following reasons:

1. Since the events of September 11, UK and European airlines have made a large investment to retrofit aircraft with phase I & II cockpit doors to prevent unauthorised access to the flight deck. The UK has mandated phase II doors through secondary legislation which also requires installation of Closed Circuit Television (CCTV) surveillance. As a result, the benefit of the proposed modified transponder installation is questionable and the threat of a repeat of the events of September 11 has been greatly diminished.

2. EU Regulation for establishing Common Rules in the Field of Civil Aviation Security came into effect on 20 January 2003 which further address potential threats.

3. Extensive primary radar coverage exists within Europe enabling aircraft tracking irrespective of transponder status. Sharing of data between military and civil ground based systems enabling threat aircraft to be highlighted and tracked would provide a much more robust solution than reliance on crew activation of a hijack signal

4. Inadvertent operation cannot be prevented, even if guarded switches are used. Even if the crew have flight deck annunciation, the consequences of inadvertent operation will result in potential risk to the aircraft and costs to both the airline and the state. Passenger reaction to interception may be negative, and might potentially result in further risk to passengers and crew. Flight crew have raised concerns about the increased threat of military action from transmitting the '7500' code inadvertently or otherwise. As a result many have stated that they would be unlikely to use the '7500' code even on an unmodified aircraft. This further questions the benefit of simply making it easier to transmit '7500' by installation of this expensive modification.

5. The lack of harmonised ICAO requirements could create further negative flight safety impact, in particular for international operating airlines and flight crews. In addition, this will greatly complicate transfer of aircraft between US and Europe/elsewhere in the World.

6. The proposal grossly underestimates the cost of the change and puts forward an unachievable time-scale. The NPRM assumes that only a software upgrade to the transponder is required. The only specification for building a transponder to meet this NPRM is the draft of ARINC specification 718A supplement 1 (yet to be approved) which no airlines yet have installed. Costs should therefore include purchase of new transponders. Even where the transponder meets the current ARINC spec 718A, it would require pin reassignment and hence costly hardware modification. In either case, the costs will be anything up to an order of magnitude higher than the amount estimated in the NPRM. Given that hardware and aircraft wiring changes will be required to meet this requirement, compliance by the specified end dates would as a minimum require unique unscheduled maintenance inputs, the cost of which should be included in any estimate of programme cost. In addition, equipment, service bulletins and kits of parts have yet to become available and are unlikely to be available in sufficient quantity to meet the proposed end dates.

Given that many of the above issues apply equally to part 121 and 129 operators, British Airways also questions the benefits of application of such a rule purely within the USA.

Yours Faithfully

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Head of Quality and Regulations  
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cc:	John Arscott	UK Directorate Airspace Policy
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